

64.090 Sheriffs. (Effective until January 1, 2007)

- (1) Sheriffs may charge and collect the following fees from the Commonwealth and any of its agencies, including the Department of State Police, when the source of payment is not otherwise specified, if the Commonwealth, any of its agencies, or the Department of State Police makes a request that the sheriff perform any of the following:
- (a) Executing and returning process \$20.00;
 - (b) Serving an order of court and return 3.00;
 - (c) Summoning or subpoenaing each witness, fee to be paid by requester to sheriff before service 10.00;
 - (d) Summoning an appraiser or reviewer 2.00;
 - (e) Attending a surveyor, when ordered by a court, per deputy or sheriff assigned 20.00;
 - (f) Taking any bond that he is authorized or required to take in any action 5.00;
 - (g) Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, six percent (6%) on the first three hundred dollars (\$300) and three percent (3%) on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by the order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case;
 - (h) Taking a recognizance of a witness 3.00;
 - (i) Levying an attachment 5.00;
 - (j) When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court;
 - (k) Summoning a garnishee 3.00;
 - (l) Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted 8.00;
 - (m) Serving process or arresting the party in misdemeanor cases, to be paid by the plaintiff 30.00;
 - (n) Serving an order or process of revivor 3.00;
 - (o) Executing a writ of possession against each tenant or defendant 7.00;

- (p) Executing a *capias ad satisfaciendum*, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission;
 - (q) Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses 8.00;
 - (r) Collecting militia fines and fee-bills, ten percent (10%), to be deducted out of the fee-bill or fine;
 - (s) Levying for a fee-bill 3.00;
 - (t) Serving a notice 2.00;
 - (u) Serving summons, warrants or process of arrest in cases of children born out of wedlock 6.00;
 - (v) Serving a civil summons in a nonsupport case 10.00;
 - (w) Serving each order appointing surveyors of roads, to be paid out of the county levy 5.00;
 - (x) Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant 5.00;
 - (y) Like services in cases of private passways to be paid by the applicant 5.00;
 - (z) Executing each writ of habeas corpus, to be paid by the petitioner 3.00;
 - (aa) All services under a writ issued under KRS 381.460 to 381.570 10.00; and
 - (bb) For services in summoning grand and petit jurors and performing his duties under KRS Chapter 29A the sheriff shall be allowed, for each person so summoned, and paid out of the State Treasury for constructive service the sum of \$1.50 and for personal service the sum of \$3.00.
- (2) Sheriffs may charge and collect a fee of twenty dollars (\$20) from any person not requesting the service of the sheriff on behalf of the Commonwealth, any of its agencies, or the Department of State Police for the services provided in subsection (1) of this section where a percentage, commission, or reasonable fee is not otherwise allowed. If a percentage, commission, or reasonable fee is allowed, that amount shall be paid. If payment is specified from a person other than the person who requested the service, then the person specified shall be responsible for payment.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 43, sec. 1, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 194, sec. 1, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 248, sec. 2, effective July 15, 1996. -- Amended 1984 Ky. Acts ch. 16, sec. 2, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 159, sec. 4, effective July 15, 1982; and ch. 385, sec. 15, effective July 1, 1982. -- Amended 1978 Ky. Acts

ch. 162, sec. 2, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 22, sec. 77, effective January 1, 1978. -- Amended 1962 Ky. Acts ch. 253, sec. 1. -- Amended 1952 Ky. Acts ch. 72, sec. 1. -- Amended 1944 Ky. Acts ch. 25, sec. 1. - - Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 354, 357, 1726.

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 - (e) Attending a surveyor, when ordered by a
court, per deputy or sheriff assigned 20.00;
 - (f) Taking any bond that he is authorized or
required to take in any action 5.00;
 - (g) Collecting money under execution or distress warrant, if the debt is paid or the
property sold, or a delivery bond given and not complied with, six percent
(6%) on the first three hundred dollars (\$300) and three percent (3%) on the
residue; when he levies an execution or distress warrant, and the defendant
replevies the debt, or the writ is stayed by legal proceedings or by the order of
the plaintiff, half of the above commissions, to be charged to the plaintiff and
collected as costs in the case;
 - (h) Taking a recognizance of a witness 3.00;
 - (i) Levying an attachment 5.00;
 - (j) When property attached is sold by an officer other than the officer levying the
attachment, the court shall, in the judgment, make the officer an additional
and reasonable allowance for levying the attachment, and the fee of the officer
selling the property shall be lessened by that sum. Reasonable charges for
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court;
 - (k) Summoning a garnishee 3.00;
 - (l) Summoning a jury in a misdemeanor case, attending the trial, and
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misdemeanor cases, to be paid by the plaintiff 30.00;

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 - (aa) All services under a writ issued under KRS 381.460 to 381.570 10.00; and
 - (bb) For services in summoning grand and petit jurors and performing his duties under KRS Chapter 29A the sheriff shall be allowed, for each person so summoned, and paid out of the State Treasury for constructive service the sum of \$1.50 and for personal service the sum of \$3.00.
- (2) Sheriffs may charge and collect a fee of forty dollars (\$40) from any person not requesting the service of the sheriff on behalf of the Commonwealth, any of its agencies, or the Department of State Police for the services provided in subsection (1) of this section where a percentage, commission, or reasonable fee is not otherwise allowed. If a percentage, commission, or reasonable fee is allowed, that amount shall be paid. If payment is specified from a person other than the person who requested the service, then the person specified shall be responsible for payment.

Effective: January 1, 2007

History: Amended 2006 Ky. Acts ch. 255, sec. 1, effective January 1, 2007. -- Amended 2005 Ky. Acts ch. 43, sec. 1, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 194, sec. 1, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 248,

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